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HYDE & SWIGART
San Diego, California

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Erica Welker Plaintiff, v. California Accounts Service Defendant.	Case No: 08cv723 JLS (CAB) Joint Notice and Motion Proposing The Modification Of The Early Neutral Evaluation Currently Set For 7/2/2008 Date: July 2, 2008 Time: 10:00 AM Location: 940 Front Street, Room 1131, San Diego, California Judge: Hon. Cathy Ann Bencivengo

WHEREAS:

1. The Court has scheduled an Early Neutral Evaluation Conference before Judge Bencivengo in the above named matter for July 2, 2008 at 10:00 AM, and;
2. The Court normally requires that all named parties be present at such Early Neutral Evaluation Conferences, and;

3. Ms. Welker will be out of the state from June 24 - July 14 while taking her two children, ages 5 and 9, to a special camp for children with Celiacs Disease, from which her children suffer, and;
4. This vacation for Plaintiff's children was planned since last summer, and;
5. Because of the special needs of children with Celiacs Disease this is the only chance her children will have this year to attend something like this, and;
6. Plaintiff has already paid over $800.00 to attend this, an amount that would be non-refundable; and;
7. Due to the remoteness of the camping location, it is highly unlikely that Plaintiff would be available by cellular telephone, and;
8. Plaintiff's counsel has advised of the Court, by telephone, of the desire of all parties to modify the Early Neutral Evaluation Conference.

HYDE & SWIGART
San Diego, California

IT IS HEREBY STIPULATED AND AGREED by and between the parties to this action through their designated counsel of record, that:

9. The Early Neutral Evaluation Conference before Judge Bencivengo in the above named matter set for July 2, 2008 at 10:00 AM be modified in that said conference take place by telephone at the currently scheduled date and time, and that this conference take place between the Court and parties counsel only.

Date: June 18, 2008

Hyde & Swigart

By: ______________________
Robert L. Hyde, Esq.
Attorneys for the Plaintiff

Date: 6/18/08

Carlson & Messer LLP

By: /s/ David J. Kaminski
David J. Kaminski, Esq.
Attorneys for the Defendant